APPENDIX C

Relevant Statutes:

FEDERAL RULES OF CIVIL PROCEDURE 56 (c)

Provides that a court shall grant a motion for summary judgment if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law."

FEDERAL RULES OF CIVIL PROCEDURE 56 (e)

Provides that "when a motion for summary judgment is made and supported as provided for in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleadings, but the adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party."

FEDERAL RULE OF CIVIL PROCEDURE 26 (1) (a) (ii)

In General. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter

Involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. The frequency or extent of use of the discovery methods set forth in subdivision (a) shall be limited by the court if it determines that (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought.

SECTION 703 OF THE 1964 CIVIL RIGHTS ACT

(42 U.S.C. 2000e-2

(as amended by sections 105 and 106) is further amended by adding at the end the following new subsection: "(m) Except as otherwise provided in this title, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice."

(j) Preferential treatment not to be granted on account of existing number or percentage imbalance.

Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color religion, sex or national origin or such individual or group on account of imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer.

(2) A demonstration that an employment practice is required by business necessity may not be used as a defense against a claim of intentional discrimination under this subchapter.

§ 2000e-2. Unlawful employment practices

(a) Employer practices: It shall be an unlawful employment practice for an employer— (1) to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate or classify his employees or applicants for employment opportunities or otherwise adversely affect his

status as an employee, because of such individual's race, color, religion, sex, or national origin.

RULES OF THE SUPREME COURT OF THE UNITED STATES

Rule 13 (5)

For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. An application to extend the time to file shall set out the basis for jurisdiction in this court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reason why an extension of time is justified.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved: and no fact tried by jury, shall be otherwise re-examined in any court of the United States than according to the rules of common law.——*(Id.)*

APPENDIX C CONTINUED

Amendment XIV

Citizenship, Representation and Payment of Public Debt.

Section 1

Paragraph 2: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property, without due process of law , nor deny to any person within its jurisdiction the equal protection of the laws.